

4. This information was communicated to Plaintiff's counsel and for unknown reasons, Plaintiff's counsel have refused to depose Ms. Winchester at the previously agreed to location - defense counsel's office - necessitating the filing of this Motion.

5. Ms. Winchester did not agree to produce documents at the time of her deposition, and as such, Plaintiffs were required to issue a subpoena to obtain the production. Plaintiff subsequently issued a subpoena and served it on Ms. Winchester.

6. Rather than requiring her appearance per the prior agreement at Hinkle Law Firm, Plaintiff's counsel noticed the deposition for a different location. When seeking clarification of the location, and confirming the prior agreement to produce Ms. Winchester at Hinkle Law Firm, Plaintiff's counsel responded and indicated that they would not agree to hold the deposition at Hinkle Law Firm because Ms. Winchester required a subpoena to be issued in this case, rather than agreeing to appear voluntarily to produce documents.

7. Plaintiff's basis for objecting to conducting Ms. Winchester's deposition at Hinkle Law Firm is wholly arbitrary, and the only purpose for requiring the deposition be held at that location is in retaliation for the fact that Ms. Winchester objected to producing documents voluntarily, without a subpoena issuing.

8. Notably, upon consultation, Ms. Winchester does not have any documents responsive to the subpoena because she does not maintain her text messages or emails with any person, including her husband and daughter, for longer than a couple of days; and thus, at the time she was on notice of the intent to subpoena documents, had no responsive emails or text messages, or other communications.

WHEREFORE, Jennifer Winchester hereby moves the Court to modify the subpoena, setting appearance location for the offices of her attorneys, Hinkle Law Firm, LLC, and for such other relief as the Court deems just and proper.

Respectfully submitted,

HINKLE LAW FIRM LLC
6800 College Boulevard, Suite 600
Overland Park, Kansas 66211
913-345-9205/ FAX: 913-345-4832

By:/s/ *Michelle R. Stewart*

Michelle R. Stewart, mstewart@hinklaw.com #19260

Jennifer R. Johnson, jjohnson@hinklaw.com #22096

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 7th day of May, 2019, the foregoing *Motion to Modify Subpoena to Jennifer Winchester* was filed electronically with the Clerk of the US District Court for the Western District of Missouri; and a service copy was served electronically via email only on the following:

Bryan D. Fisher, #65904 (bfisher@nnlaw.com)

Ryan Frazier, (rfrazier@nnlaw.com)

Daniel K. Wooten, #48061 (dwooten@nnlaw.com)

NEALE & NEWMAN, LLP

1949 E. Sunshine, Suite 1-130

Springfield, MO 65808-0327

417-882-9090 / Fax: 417-882-2529

Attorneys for Plaintiff

/s/ *Michelle R. Stewart*

ATTORNEYS FOR DEFENDANTS